

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CHR. HANSEN HMO GMBH,

Plaintiff and Counterclaim-Defendant,

v.

GLYCOSYN LLC,

Defendant and Counterclaim-Plaintiff,

v.

ABBOTT LABORATORIES.

Counterclaim-Defendant.

C.A. No. 1:22-cv-11090-NMG

**JOINT CLAIM CONSTRUCTION STATEMENT OF
TERMS TO BE CONSTRUED AND PROPOSED CONSTRUCTIONS**

Pursuant to the Local Rule 16.6(e)(1)(D) and the Court’s scheduling order (D.I. 68), Plaintiff and Counterclaim-Defendant Chr. Hansen HMO GmbH (“Chr. Hansen”), Counterclaim-Defendant Abbott Laboratories (“Abbott”), and Defendant and Counterclaim-Plaintiff Glycosyn LLC (“Glycosyn”) (collectively the “Parties”) hereby submit the following joint statement concerning claim construction in the above-caption action.

Agreed Constructions. The Parties are in agreement regarding the construction of the following terms of U.S. Pat. No. 9,970,018 (the “’018 patent”):

Term	Asserted Claims of the ’018 patent	Proposed Construction
“wild-type”	Claims 1, 24	Plain and ordinary meaning, <i>i.e.</i> “the type most commonly found in nature”
“colanic acid synthesis gene”	Claims 1-3	“a gene involved in a sequence of reactions, usually controlled and catalyzed by enzymes that result in the synthesis of colanic acid”

Term	Asserted Claims of the '018 patent	Proposed Construction
" <i>E. coli</i> lacZ gene"	Claim 8	Plain and ordinary meaning, <i>i.e.</i> "a structural gene that encodes the β -galactosidase protein and is part of the lac operon in the DNA of <i>E. coli</i> "

Disputed Terms. Pursuant to Local Rule 16.6(e), the Parties have been unable to come to an agreement as to the meaning of the terms in Exhibit A, despite meeting and conferring as required by the Local Rules. The disputed terms are set forth in the attached Exhibit A, which notes each Party's respective position on the construction of each term. The Parties intend to continue to meet and confer in an attempt to reduce the number of issues before the Court at claim construction prior to the *Markman* hearing in this matter.

Dated: August 3, 2023

GLYCOSYN LLC	CHR. HANSEN HMO GMBH
<p>By its Attorneys,</p> <p><u>/s/ Michael C. Newman</u></p> <p>Michael C. Newman (BBO #667520) mnewman@mintz.com Thomas H. Wintner (BBO #667329) twintner@mintz.com James Wodarski (BBO #627036) jwodarski@mintz.com Michael Renaud (BBO #629783) mtrenaud@mintz.com Peter J. Cuomo (BBO #661368) pjuomo@mintz.com Matthew A. Karambelas (BBO #691034) makarambelas@mintz.com Courtney Herndon (BBO #693418) cherndon@mintz.com Nana Liu (BBO #694201) NLiu@mintz.com</p>	<p>By its Attorneys,</p> <p><u>/s/ Allison M. Lucier</u></p> <p>Joshua Krumolz (BBO 552573) Joshua.krumolz@hklaw.com Allison M. Lucier (BBO 569193) Allison.Lucier@hklaw.com Emily Robey-Phillips (BBO 698744) Emily.robey-phillips@hklaw.com Holland & Knight LLP 10 Saint James Avenue; 11th Floor Boston, MA 02116 Telephone: (617) 523-2700</p> <p>R. David Donoghue (Pro Hac Vice forthcoming) David.donoghue@hklaw.com Tiffany Lee (Pro Hac Vice forthcoming) Tiffany.lee@hklaw.com</p>

<p>Williams S. Dixon (BBO #705286) WSDixon@mintz.com Simone B. Yhap (BBO #711761) sbyhap@mintz.com</p> <p>MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO P.C. One Financial Center Boston, MA 02111 Phone: (617) 542-6000 Fax: (617) 542-2241 <i>Counsel for Defendant and Counterclaim Plaintiff Glycosyn LLC</i></p>	<p>Holland & Knight LLP 150 N. Riverside Plaza, Suite 2700 Chicago, IL 60606 Telephone: (312) 263-3600</p>
	<p>ABBOTT LABORATORIES</p> <p>By its Attorneys,</p> <p><u>/s/ S. Giri Pathmanaban</u></p> <p>William J. Trach (BBO W661401) LATHAM & WATKINS LLP 200 Clarendon Street Boston, MA 02116 Tel: (617) 948-6000 Fax: (617) 948-6001 william.trach@lw.com</p> <p>Michael A. Morin (Pro Hac Vice) LATHAM & WATKINS LLP 555 Eleventh Street, NW, Suite 1000 Washington, D.C. 20004 Tel: (202) 637-2200 Fax: (202) 637-2201 michael.morin@lw.com</p> <p>S. Giri Pathmanaban (Pro Hac Vice) LATHAM & WATKINS LLP 300 Colorado Street, Suite 2400 Austin, TX 78701 Tel: (737) 910-7300 Fax: (737) 910-7301 giri.pathmanaban@lw.com</p> <p>Sarah W. Wang (Pro Hac Vice) LATHAM & WATKINS LLP</p>

	330 North Wabash Avenue, Suite 2800 Chicago, IL 60611 Tel: (312) 876-7700 Fax: (312) 993-9767 sarah.wang@lw.com
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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of August, 2023, all counsel of record who are deemed to have consented to electronic service are being served with a true and correct copy of the foregoing document via the Court's CM/ECF system.

/s/ Allison M. Lucier
Allison M. Lucier